

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
New Part 4 of the Commission's Rules	)	ET Docket No. 04-35
Concerning Disruptions to Communications	)	
	)	

**COMMENTS OF THE  
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association") respectfully submits its comments on the Federal Communications Commission ("FCC" or "Commission") proposal to extend its disruption reporting requirements to communications providers who are not wireline carriers and to move those requirements to a new Part 4 of the Commission rules.<sup>1</sup> AMTA takes no position on the FCC's tentative conclusion that the growing importance of non-wireline transmission capabilities in maintaining the Nation's communications networks and its critical infrastructures warrants expanding the applicability of those obligations. The Association simply requests that the FCC clarify that only those Specialized Mobile Radio ("SMR") service providers currently classified as "covered CMRS" licensees will be subject to whatever rules are adopted.

**I. INTRODUCTION**

AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association's members include trunked and conventional 800 MHz and 900 MHz SMR operators, and commercial licensees in the 150-174 MHz, 220 MHz and 450-512 MHz bands. Because many of AMTA's members are classified as

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<sup>1</sup> ET Docket No. 04-35, *Notice of Proposed Rule Making*, FCC 04-30 (rel. Feb. 23, 2004) ("NPR").

operating in the SMR service, the scope of SMR providers potentially affected by the *NPR* is of significant interest to them and to the Association.

## **II. THE FCC SHOULD CLARIFY THAT ONLY SMRS THAT MEET THE “COVERED CARRIER” DEFINITION WILL BE SUBJECT TO THE PART 4 OUTAGE REPORTING RULES**

The FCC has established regulations that require wireline carriers to provide service disruption reports. These reports were developed in response to the massive telephone outages that occurred simultaneously on both the East and West coasts in 1991.<sup>2</sup> They have provided the industry with an information resource that has permitted the development of “best practices,” both to help avoid outage problems and to facilitate smooth, rapid restoration when outages do occur.<sup>3</sup>

The *NPR* reflects the Commission’s assessment that our communications networks, indeed the daily fabric of our nation, rely on substantially more than traditional wireline services. They often include public wireline, wireless, cable, satellite and data networks, each and any of which may serve as a critical link in the provision of a telecommunications service. A failure in any of those links could prove devastatingly destructive. Therefore, the FCC has tentatively determined that outages of a certain magnitude should be reported by whatever carrier experiences them. Imposing this obligation on providers of all vital components will encourage them to develop “best practices” uniquely suited to their technologies and service offerings and to work together on an even more collaborative basis.<sup>4</sup>

In proposing to apply its communications outage reporting requirements to wireless services, the FCC first must determine the scope of wireless systems that should be subject to the obligation. Footnote 30 describes the entities that would be included as follows:

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<sup>2</sup> *NPR* at ¶ 6.

<sup>3</sup> *NPR* at ¶¶ 8-10.

<sup>4</sup> *NPR* at ¶¶ 12-14.

From this point forward, we use the phrase “wireless services” to refer to communications that are provided using cellular architecture in the Cellular Radio Telephone Service (“CRTS”) (Part 22 of the Commission’s Rules); Personal Communications Service (“PCS”) (Part 24); and enhanced Special [sic] Mobile Radio Service (“SMRS”) (Part 90) (such as that provided by NEXTEL). It is also our intention to include Short Message Service (“SMS”) communications, which consist of short text messages (typically 20 octets or less), as well as CMRS paging services (see 47 C.F.R. §§ 20.9(a) (1), (6), 22.99, 22.507(c) and 90.7) and narrowband PCS (Part 24), as wireless services. Entities that provide wireless services will be referred to as “wireless service providers.”<sup>5</sup>

There is little if any dispute about which licensees are considered to be cellular or PCS operators; both terms have been defined in the FCC’s rules and applied consistently for many years. By contrast, there is no single FCC definition of an “enhanced SMR” licensee or service. Perhaps in recognition of this fact, the *NPR* adds the descriptive, but not nominative, corollary that the type of service intended to be included is “such as that provided by NEXTEL,” without defining what such a system is or is not.

AMTA recommends that the Commission clarify the universe of SMR systems that are intended to be included in the instant proposal by reference to the “covered CMRS” definition.<sup>6</sup> This term was developed originally for the specific purpose of differentiating SMR systems “like Nextel” from more traditional SMR system configurations. It was intended to distinguish systems that were providing cellular-like service to the general public over extensive geographic areas from entities providing a more traditional, localized, typically analog business-oriented service to companies in a particular community. Although the definition later was expanded to include all Commercial Mobile Radio Service (“CMRS”) providers, the delineation still accurately captures the technical characteristics of a “Nextel-like” SMR system as compared with those operated by most other SMR licensees:

...service providers in these enumerated services are subject to the following requirements solely to the extent that they offer real-time, two way switched voice service that is interconnected with the public switched network and utilize an in-

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<sup>5</sup> *NPR* at n. 30.

<sup>6</sup> *See, e.g.*, 47 C.F.R. §§ 20.18(a), 52.21, 52.31.

network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.<sup>7</sup>

To avoid future confusion, AMTA recommends that the Commission clarify its proposal to extend the outage reporting requirements by confirming that the SMR systems intended to be included are only those that satisfy the “covered CMRS” definition as set out in the various FCC rules cited *supra*. Reliance on this definition will promote consistency in the Commission’s regulatory framework. At the same time, it will foster the FCC’s goal of accumulating information about and thereby minimizing the occurrence of communications outages associated with communications systems whose operations have significant public implications.

### **III. CONCLUSION**

For the reasons described herein, AMTA urges the Commission to clarify the category of SMR provider intended to be subject to these proposed regulations consistent with the recommendations contained herein.

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION, INC.**

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<sup>7</sup> 47 C.F.R. §§ 20.18(a).